

**ALLEGED SHIPMENT:** On or about July 17 and November 7, 1946, from the State of New York into the State of Maryland.

**LABEL, IN PART:** "Miami Perfumed Olive Oil."

**NATURE OF CHARGE:** Misbranding, Section 602 (a), the label statement "Perfumed Olive Oil" was false and misleading, since the article was not perfumed olive oil but was artificially colored, perfumed mineral oil.

**DISPOSITION:** October 24, 1947. Pleas of guilty having been entered, the court imposed a fine of \$1,000 against the defendants, jointly and severally.

**160. Misbranding of perfumed olive oil compound. U. S. v. 13 Dozen Bottles, etc.**  
(F. D. C. No. 21255. Sample No. 54587-H.)

**LABEL FILED:** October 21, 1946, Western District of South Carolina.

**ALLEGED SHIPMENT:** On or about June 24 and July 18, 1946, by the Peau D'Or Sales Corp., from Miami, Fla.

**PRODUCT:** 23 dozen 4-ounce bottles of perfumed olive oil compound at Greenville, S. C.

**LABEL, IN PART:** "Peau D'Or Perfumed Olive Oil Compound."

**NATURE OF CHARGE:** Misbranding, Section 602 (a), the label statement "Olive Oil Compound" was false and misleading as applied to the article, which was an artificially colored mineral oil, with little or no olive oil.

**DISPOSITION:** December 9, 1946. Default decree of condemnation and destruction.

## INDEX TO NOTICES OF JUDGMENT C. N. J. NOS. 147 TO 160

### PRODUCTS

	N. J. No.		N. J. No.
Bonat Cream Shampoo (liquid and paste)-----	156	Lustray Egg Shampoo-----	153
Coal-tar color-----	150	Miami Perfumed Olive Oil-----	159
Creams-----	148, <sup>1</sup> 151	Miracle-Aid -----	<sup>1</sup> 151
Eau de Quinine Compound Hair Lotion-----	<sup>2</sup> 152	Nancy Dale's Date Night Liquid Cream Shampoo-----	158
Elmo Special Nite Cream-----	148	Olive oil, perfumed-----	159, 160
Hair and scalp preparations-----	<sup>3</sup> 147, <sup>2</sup> 152-158	Peau D'Or Perfumed Olive Oil Compound -----	160
Lacquer, hair-----	<sup>3</sup> 147	Rayve Egg Fluff Shampoo-----	154
Lan-O-Tone Creme Shampoo-----	157	Richard Hudnut Egg Creme Shampoo -----	155
Lock's-Up Hair Lacquer Pads--	<sup>3</sup> 147	Tropical Sun Tan Oil-----	149

### SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Bonat & Bonat, Inc:		Klatzkie, Louis:	
Bonat Cream Shampoo (liquid and paste)-----	156	Tropical Sun Tan Oil-----	149
Douglas, N. C.:		Lan-O-Tone Products:	
Miracle-Aid -----	<sup>1</sup> 151	Lan-O-Tone Creme Shampoo--	157
Elmo Sales Corp.:		Leavin, V. D.:	
Elmo Special Nite Cream-----	148	perfumed olive oil-----	159
Evergreen Chemical Co., Inc.:		Lustray Laboratories, Inc.:	
coal-tar color -----	150	Lustray Egg Shampoo-----	153
Gladiator Co., Inc.:		Miracle Products. See Douglas, N. C.	
Eau de Quinine Compound Hair Lotion-----	152	Nancy Dale, Ltd.:	
Hampden Sales Assoc., Inc.:		Nancy Dale's Date Night Liquid Cream Shampoo-----	158
perfumed olive oil-----	159	Parfait Powder Puff Co., Inc.:	
Hudnut Sales Co., Inc.:		Locks-Up Hair Lacquer Pads--	<sup>3</sup> 147
Richard Hudnut Egg Creme Shampoo -----	155	Park Drug Co., Inc.:	
		Tropical Sun Tan Oil-----	149

<sup>1</sup> (151) Prosecution contested.

<sup>2</sup> (152) Prosecution contested. Contains charge to the jury.

<sup>3</sup> (147) Prosecution contested. Contains opinion of the court.

# FEDERAL SECURITY AGENCY

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

161-175

#### COSMETICS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

JOHN L. THURSTON, *Acting Administrator, Federal Security Agency.*  
WASHINGTON, D. C., *September 28, 1949.*

#### CONTENTS\*

Page	Page
Cosmetics actionable because of adulteration with poisonous or deleterious substances..... 100	Cosmetics actionable because of false and misleading claims..... 102
Cosmetics actionable because of adulteration with uncertified coal-tar colors..... 100	Index..... 105
	Cosmetics, subject to the drug provisions of the Act..... 106

\*For failure to bear mandatory labeling, see Nos. 166, 167.

## **COSMETICS ACTIONABLE BECAUSE OF ADULTERATION WITH POISONOUS OR DELETERIOUS SUBSTANCES**

**161. Adulteration of Deo Deodorant. U. S. v. 264 Bottles \* \* \*. (F. D. C. No. 26917. Sample No. 7726-K.)**

**LIBEL FILED:** April 4, 1949, Western District of New York.

**ALLEGED SHIPMENT:** On or about April 1, 1948, by the Elmo Sales Corp., from Philadelphia, Pa.

**PRODUCT:** 264 1¼-ounce bottles of Deo Deodorant at Buffalo, N. Y. Analysis disclosed that the product was a primary irritant.

**LABEL, IN PART:** "Deodorant Deo Special."

**NATURE OF CHARGE:** Adulteration, Section 601 (a), the article bore or contained a poisonous or deleterious substance which may have rendered it injurious to users under such conditions of use as are customary to the use of deodorant cream.

**DISPOSITION:** May 9, 1949. Default decree of condemnation and destruction.

**162. Adulteration of Perma-Nail. U. S. v. 61 Bottles \* \* \*. (F. D. C. No. 26619. Sample No. 11130-K.)**

**LIBEL FILED:** February 25, 1949, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 11, 1947, by the Perma-Nail Co., from Burbank, Calif.

**PRODUCT:** 61 bottles of Perma-Nail at New York, N. Y. Analysis showed that the product contained synthetic rubber of the Perbunin type and phenol formaldehyde resin in methylethylketone.

**LABEL, IN PART:** (Carton) "Perma-Nail The Professional Base Coat ½ Fl. Oz. Directions 1. Remove old polish. 2. When nails are clean and thoroughly dry, apply Perma-Nail, dipping brush freshly for each nail. 3. Next apply nail polish."

**NATURE OF CHARGE:** Adulteration, Section 601 (a), the article bore or contained a poisonous or deleterious substance which may have rendered it injurious to users under the conditions of use prescribed in its labeling.

**DISPOSITION:** March 19, 1949. Default decree of condemnation. The product was ordered released to the Food and Drug Administration, to be used for further experimental work.

## **COSMETICS ACTIONABLE BECAUSE OF ADULTERATION WITH UNCERTIFIED COAL-TAR COLORS**

**163. Adulteration of Hawaiian Pressing Oil. U. S. v. Hawaiian Hair Products Corp. and Clyde F. Robinson. Pleas of guilty. Individual fined \$100 on each of the two counts and sentenced to serve 30 days in jail on each count, the sentence to run consecutively. No penalty imposed against corporation. (F. D. C. No. 25566. Sample No. 40122-K.)**

**INFORMATION FILED:** Between September 22 and November 17, 1948, District of Columbia, against the Hawaiian Hair Products Corp., Washington, D. C., and Clyde F. Robinson, treasurer and general manager, alleging that the defendants, on or about March 25, 1948, unlawfully caused to be introduced and delivered for introduction into interstate commerce at Washington, D. C., by sale and delivery to an individual, one jar of Hawaiian Pressing Oil which was adul-